

ESTTA Tracking number: **ESTTA602031**

Filing date: **05/02/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	TOOTSIE ROLL INDUSTRIES, LLC
Granted to Date of previous extension	05/14/2014
Address	7401 SOUTH CICERO AVENUE CHICAGO, IL 60629 UNITED STATES
Attorney information	Douglas R. Wolf Wolf Greenfield & Sacks, P.C. 600 Atlantic Avenue Boston, MA 02210 UNITED STATES drwtrademarks@wolfgreenfield.com, cxltrademarks@wolfgreenfield.com Phone:617-646-8000

Applicant Information

Application No	86047920	Publication date	01/14/2014
Opposition Filing Date	05/02/2014	Opposition Period Ends	05/14/2014
Applicant	Hoosier Sugar Daddy 125 Cope Road Martinsville, IN 46151 UNITED STATES		

Goods/Services Affected by Opposition

Class 030. First Use: 2013/05/01 First Use In Commerce: 2013/05/01
All goods and services in the class are opposed, namely: Flavoring syrup

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)


Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2147822	Application Date	05/13/1997
Registration Date	03/31/1998	Foreign Priority Date	NONE
Word Mark	SUGAR DADDY		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 030. First use: First Use: 1936/04/00 First Use In Commerce: 1936/04/00 candy

U.S. Registration No.	2970076	Application Date	11/13/2003
Registration Date	07/19/2005	Foreign Priority Date	NONE

Word Mark	SUGAR DADDY
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Design Mark	
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Description of Mark	NONE
Goods/Services	Class 003. First use: First Use: 2002/02/15 First Use In Commerce: 2002/02/15 [Cosmetics, skin soap,] non-medicated lip balm, ((lip gloss)), body lotion]

U.S. Registration No.	544252	Application Date	09/17/1948
Registration Date	06/26/1951	Foreign Priority Date	NONE

Word Mark	SUGAR DADDY
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Design Mark	
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Description of Mark	NONE
Goods/Services	Class 030. First use: First Use: 1936/04/00 First Use In Commerce: 1936/04/00 CANDY SUCKERS

Attachments	78327521#TMSN.jpeg(bytes) 71565391#TMSN.gif(bytes) Notice of Opposition Serial No. 86047920.PDF(566531 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/cml/
Name	Christina M. Licursi
Date	05/02/2014

Applicant: Eric L. Enk d/b/a Hoosier Sugar Daddy
Serial No.: 86/047,920
Filing Date: August 26, 2013
Mark: HOOSIER SUGAR DADDY
Published: January 14, 2014

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

Tootsie Roll Industries, LLC)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
Eric L. Enk d/b/a Hoosier Sugar Daddy)	
)	
Applicant.)	
)	

NOTICE OF OPPOSITION


This Notice of Opposition relates to the application of Eric L. Enk d/b/a Hoosier Sugar Daddy of 125 Cope Road, Martinsville, Indiana, 46151 ("Applicant") for the mark HOOSIER SUGAR DADDY in International Class 30 as shown in Application Serial No. 86/047,920, filed on August 26, 2013, and published in the Official Gazette on January 14, 2014.

Tootsie Roll Industries, LLC ("Tootsie"), organized and existing under the laws of the State of Delaware, having a place of business at 7401 South Cicero Avenue, Chicago, Illinois 60629, believes that it would be damaged by the registration of HOOSIER SUGAR DADDY and hereby opposes the same.

The grounds for opposition are as follows:

1. Tootsie is a limited liability corporation duly organized under the laws of the State of Delaware, having a place of business at 7401 South Cicero Avenue, Chicago, Illinois 60629.

2. Tootsie, and its predecessors in interest, have made extensive and exclusive use of the trademark SUGAR DADDY in various forms since at least as early as 1936. Tootsie is now the owner of trademark registrations and rights at common law (collectively hereinafter “Tootsie Trademarks”), including at least the following (copies of status and title for each of the following attached herewith):

Mark	Registration No.	Issue Date
SUGAR DADDY	2147822	March 31, 1998
SUGAR DADDY	2970076	July 19, 2005
	0544252	June 26, 1951

3. The Tootsie Trademarks are used in conjunction with candy and with a variety of goods.

4. The Tootsie Trademarks are famous.

5. Notwithstanding Tootsie’s prior use of SUGAR DADDY, Applicant filed Application Serial No. 86/047,920, on August 26, 2013, to register the mark HOOSIER SUGAR DADDY for “flavoring syrup” (“Applicant’s Trademark”).

6. Applicant’s application filing date is subsequent to Tootsie’s adoption and use of each of the Tootsie Trademarks.

7. Applicant’s Trademark is confusingly similar to each of the Tootsie Trademarks, which are protected by Federal Registration and at common law.

8. The goods recited in Applicant’s Trademark are similar to the goods sold under the Tootsie Trademarks and are likely to be sold to the same or similar consumers.

9. Potential purchasers of the goods recited in Applicant's Trademark are likely to believe that such goods originate with or are authorized or approved by Tootsie when in fact they are not, causing a likelihood of confusion in the marketplace.

10. If Applicant is granted registration for Applicant's Trademark, Applicant would thereby obtain a prima facie exclusive right to use Applicant's Trademark, HOOSIER SUGAR DADDY, in connection with flavoring syrup, which would be a source of damage to Tootsie's trademark rights.


11. The Tootsie Trademarks would be diluted by registration of Applicant's Trademark.

WHEREFORE, Tootsie requests that registration of Applicant's Trademark HOOSIER SUGAR DADDY be denied and this Opposition be sustained in favor of Tootsie.

Respectfully submitted,

Dated: May 2, 2014

By



Douglas R. Wolf
Christina M. Licursi
WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Federal Reserve Plaza
Boston, MA 02210-2206

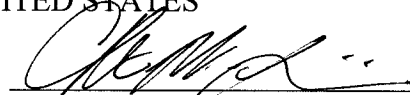
Attorneys for Opposer
Tootsie Roll Industries, LLC

Attorney's Docket No.: T0033.50324US00

CERTIFICATE OF SERVICE

I hereby certify that on May 2, 2014, I served a copy of NOTICE OF OPPOSITION, on Applicant, via first-class mail, postage-prepaid, addressed to:

HOOSIER SUGAR DADDY
125 COPE RD
MARTINSVILLE, INDIANA 46151-6010
UNITED STATES



Christina M. Licursi
Douglas R. Wolf
WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Federal Reserve Plaza
Boston, MA 02210-2206
Tel.: (617) 646-8000

Attorneys for Opposer
Tootsie Roll Industries, LLC

Attorney's Docket No.: T0033.50324US00
Dated: May 2, 2014



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Typed Drawing

Word Mark	SUGAR DADDY
Goods and Services	IC 030. US 046. G & S: candy. FIRST USE: 19360400. FIRST USE IN COMMERCE: 19360400
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75291413
Filing Date	May 13, 1997
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	January 6, 1998
Registration Number	2147822
Registration Date	March 31, 1998
Owner	(REGISTRANT) Charms Marketing Company CORPORATION ILLINOIS 7401 South Cicero Avenue Chicago ILLINOIS 60629 (LAST LISTED OWNER) TOOTSIE ROLL INDUSTRIES, LLC LIMITED LIABILITY COMPANY ILLINOIS 7401 South Cicero Avenue CHICAGO ILLINOIS 60629
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	DOUGLAS R WOLF
Prior Registrations	0544252
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20070724.
Renewal	1ST RENEWAL 20070724
Live/Dead Indicator	LIVE

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Trademark Assignment Abstract of Title

Total Assignments: 5

Serial #: 75291413

Filing Dt: 05/13/1997

Reg #: 2147822

Reg. Dt: 03/31/1998

Registrant: Charms Marketing Company

Mark: SUGAR DADDY

Assignment: 1

Reel/Frame: 3470/0600

Recorded: 01/30/2007

Pages: 14

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: CHARMS MARKETING COMPANY

Exec Dt: 01/19/2007

Entity Type: CORPORATION

Citizenship: ILLINOIS

Entity Type: LIMITED LIABILITY
COMPANY

Citizenship: DELAWARE

Assignee: TOOTSIE ROLL BRANDS LLC
7401 SOUTH CICERO AVENUE
CHICAGO, ILLINOIS 60629Correspondent: DOUGLAS R. WOLF
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

Assignment: 2

Reel/Frame: 3470/0771

Recorded: 01/30/2007

Pages: 16

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: TOOTSIE ROLL BRANDS LLC

Exec Dt: 01/19/2007

Entity Type: LIMITED LIABILITY
COMPANY

Citizenship: DELAWARE

Entity Type: CORPORATION

Citizenship: ILLINOIS

Assignee: CHARMS MARKETING COMPANY
7401 SOUTH CICERO AVENUE
CHICAGO, ILLINOIS 60629Correspondent: DOUGLAS R. WOLF
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

Assignment: 3

Reel/Frame: 3470/0797

Recorded: 01/30/2007

Pages: 16

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: CHARMS MARKETING COMPANY

Exec Dt: 01/19/2007

Entity Type: CORPORATION

Citizenship: ILLINOIS

Entity Type: CORPORATION

Citizenship: DELAWARE

Assignee: CGC, INC.
7401 SOUTH CICERO AVENUE
CHICAGO, ILLINOIS 60629Correspondent: DOUGLAS R. WOLF
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

Assignment: 4

Reel/Frame: 3470/0867

Recorded: 01/30/2007

Pages: 16

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: CGC, INC.**Exec Dt:** 01/19/2007**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Entity Type:** CORPORATION**Citizenship:** VIRGINIA**Assignee:** TOOTSIE ROLL INDUSTRIES, INC.

7401 SOUTH CICERO AVENUE

CHICAGO, ILLINOIS 60629

Correspondent: DOUGLAS R. WOLF

600 ATLANTIC AVENUE

BOSTON, MA 02210-2206

Assignment: 5**Reel/Frame:** 3470/0883**Recorded:** 01/30/2007**Pages:** 16**Conveyance:** ASSIGNS THE ENTIRE INTEREST**Assignor:** TOOTSIE ROLL INDUSTRIES, INC.**Exec Dt:** 01/19/2007**Entity Type:** CORPORATION**Citizenship:** VIRGINIA**Entity Type:** LIMITED LIABILITY
COMPANY**Citizenship:** ILLINOIS**Assignee:** TOOTSIE ROLL INDUSTRIES, LLC

7401 SOUTH CICERO AVENUE

CHICAGO, ILLINOIS 60629

Correspondent: DOUGLAS R. WOLF

600

BOSTON, MA 02210-2206

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SUGAR DADDY

Word Mark SUGAR DADDY

Goods and Services IC 003. US 001 004 006 050 051 052. G & S: [Cosmetics, skin soap,] non-medicated lip balm, ((lip gloss))[, body lotion]. FIRST USE: 20020215. FIRST USE IN COMMERCE: 20020215

Standard

Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 78327521

Filing Date November 13, 2003

Current Basis 1A

Original Filing Basis 1A

Published for Opposition April 26, 2005

Registration Number 2970076

Registration Date July 19, 2005

Owner (REGISTRANT) Tootsie Roll Brands LLC LIMITED LIABILITY COMPANY DELAWARE 7401 South Cicero Avenue Chicago ILLINOIS 60629

(LAST LISTED OWNER) Tootsie Roll Industries, LLC LIMITED LIABILITY COMPANY ILLINOIS 7401 South Cicero Avenue Chicago ILLINOIS 60629

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Douglas R. Wolf

Type of Mark TRADEMARK

Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

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Trademark Assignment Abstract of Title

Total Assignments: 4

Serial #: 78327521

Filing Dt: 11/13/2003

Reg #: 2970076

Reg. Dt: 07/19/2005

Registrant: Tootsie Roll Brands LLC

Mark: SUGAR DADDY

Assignment: 1

Reel/Frame: 3470/0771

Recorded: 01/30/2007

Pages: 16

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: TOOTSIE ROLL BRANDS LLC

Exec Dt: 01/19/2007

Entity Type: LIMITED LIABILITY
COMPANY

Citizenship: DELAWARE

Entity Type: CORPORATION

Citizenship: ILLINOIS

Assignee: CHARMS MARKETING COMPANY

7401 SOUTH CICERO AVENUE

CHICAGO, ILLINOIS 60629

Correspondent: DOUGLAS R. WOLF

600 ATLANTIC AVENUE

BOSTON, MA 02210-2206

Assignment: 2

Reel/Frame: 3470/0797

Recorded: 01/30/2007

Pages: 16

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: CHARMS MARKETING COMPANY

Exec Dt: 01/19/2007

Entity Type: CORPORATION

Citizenship: ILLINOIS

Entity Type: CORPORATION

Citizenship: DELAWARE

Assignee: CGC, INC.

7401 SOUTH CICERO AVENUE

CHICAGO, ILLINOIS 60629

Correspondent: DOUGLAS R. WOLF

600 ATLANTIC AVENUE

BOSTON, MA 02210-2206

Assignment: 3

Reel/Frame: 3470/0867

Recorded: 01/30/2007

Pages: 16

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: CGC, INC.

Exec Dt: 01/19/2007

Entity Type: CORPORATION

Citizenship: DELAWARE

Entity Type: CORPORATION

Citizenship: VIRGINIA

Assignee: TOOTSIE ROLL INDUSTRIES, INC.

7401 SOUTH CICERO AVENUE

CHICAGO, ILLINOIS 60629

Correspondent: DOUGLAS R. WOLF

600 ATLANTIC AVENUE

BOSTON, MA 02210-2206

Assignment: 4

Reel/Frame: 3470/0883

Recorded: 01/30/2007

Pages: 16

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: TOOTSIE ROLL INDUSTRIES, INC.**Exec Dt:** 01/19/2007**Entity Type:** CORPORATION**Citizenship:** VIRGINIA**Entity Type:** LIMITED LIABILITY
COMPANY**Citizenship:** ILLINOIS**Assignee:** TOOTSIE ROLL INDUSTRIES, LLC

7401 SOUTH CICERO AVENUE

CHICAGO, ILLINOIS 60629

Correspondent: DOUGLAS R. WOLF

600

BOSTON, MA 02210-2206

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Word Mark	SUGAR DADDY
Goods and Services	IC 030. US 046. G & S: CANDY SUCKERS. FIRST USE: 19360400. FIRST USE IN COMMERCE: 19360400
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Serial Number	71565391
Filing Date	September 17, 1948
Current Basis	1A
Original Filing Basis	1A
Change In Registration	CHANGE IN REGISTRATION HAS OCCURRED
Registration Number	0544252
Registration Date	June 26, 1951
Owner	(REGISTRANT) JAMES D. WELCH COMPANY CORPORATION MASSACHUSETTS 810 MAIN STREET CAMBRIDGE MASSACHUSETTS (LAST LISTED OWNER) Tootsie Roll Industries, LLC LIMITED LIABILITY COMPANY ILLINOIS 7401 SOUTH CICERO AVENUE CHICAGO ILLINOIS 60629
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of	

Record DOUGLAS R. WOLF
Prior Registrations 0401144
Disclaimer NO REGISTRATION RIGHTS ARE HEREIN CLAIMED IN RESPECT TO THE WORD "SUGAR" APART FROM THE MARK AS SHOWN.
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECTION 8(10-YR) 20100818.
Renewal 4TH RENEWAL 20100818
Live/Dead Indicator LIVE

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Trademark Assignment Abstract of Title

Total Assignments: 11

Serial #: 71565391

Filing Dt: 09/17/1948

Reg #: 544252

Reg. Dt: 06/26/1951

Registrant: JAMES D. WELCH COMPANY

Mark: SUGAR DADDY

Assignment: 1

Reel/Frame: 0106/0318

Recorded: 10/09/1963

Pages: 2

Conveyance: ASSIGNS ALL INTEREST, TOGETHER WITH THE GOOD WILL OF THE BUSINESS SYMBOLIZED BY SAID MARK.

Assignor: WELCH, JAMES O., COMPANY

Exec Dt: 09/30/1963

Entity Type: CORPORATION

Citizenship: MASSACHUSETTS

Entity Type: CORPORATION

Citizenship: NEW JERSEY

Assignee: NATIONAL BISCUIT COMPANY

425 PARK AVE.

NEW YORK, NEW YORK

Correspondent: NATIONAL BISCUIT COMPANY

425 PARK AVE.

NEW YORK 22, NY

Assignment: 2

Reel/Frame: 0208/0643

Recorded: 05/17/1971

Pages: 3

Conveyance: CHANGE OF NAME 19710427

Assignor: NATIONAL BISCUIT COMPANY

Exec Dt: 04/27/1971

Entity Type: UNKNOWN

Citizenship: NONE

Entity Type: UNKNOWN

Citizenship: NONE

Assignee: NABISCO, INC.

Correspondent: NATIONAL BISCUIT COMPANY

425 PARK AVE.

NEW YORK, NY 10022

Assignment: 3

Reel/Frame: 0596/0165

Recorded: 03/21/1988

Pages: 2

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Assignor: NABISCO, INC.

Exec Dt: 02/26/1988

Entity Type: CORPORATION

Citizenship: NEW JERSEY

Entity Type: CORPORATION

Citizenship: DELAWARE

Assignee: WARNER-LAMBERT COMPANY

201 TABOR ROAD

MORRIS PLAINS, NEW JERSEY 07950

Correspondent: WARNER-LAMBERT COMPANY

201 TABOR ROAD

MORRIS PLAINS, 07950

Assignment: 4

Reel/Frame: 1099/0494

Recorded: 02/02/1994

Pages: 4

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Assignor: WARNER-LAMBERT COMPANY

Exec Dt: 10/15/1993

Entity Type: CORPORATION

Assignee: TOOTSIE ROLL INDUSTRIES, INC.
7401 SOUTH CICERO AVENUE
CHICAGO, ILLINOIS 69629

Correspondent: WOLF GREENFIELD & SACKS P.C.
DOUGLAS R. WOLF, ESQ.
FEDERAL RESERVE PLAZA
600 ATLANTIC AVENUE
BOSTON, MA 02210

Citizenship: DELAWARE
Entity Type: CORPORATION
Citizenship: VIRGINIA

Assignment: 5

Reel/Frame: 1615/0580

Recorded: 07/24/1997

Pages: 3

Conveyance: ASSIGNMENT OF AN UNDIVIDED PART OF ASSIGNORS INTEREST

Assignor: TOOTSIE ROLL INDUSTRIES, INC.

Exec Dt: 07/11/1997
Entity Type: CORPORATION
Citizenship: VIRGINIA
Entity Type: CORPORATION
Citizenship: ILLINOIS

Assignee: CHARMS MARKETING COMPANY
7401 SOUTH CICERO AVENUE
CHICAGO, ILLINOIS 60629

Correspondent: WOLF, GREENFIELD & SACKS, P.C.
DOUGLAS R. WOLF
FEDERAL RESERVE PLAZA
600 ATLANTIC AVENUE
BOSTON, MA 02210

Assignment: 6

Reel/Frame: 1748/0292

Recorded: 06/16/1998

Pages: 3

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: TOOTSIE ROLL INDUSTRIES, INC.

Exec Dt: 06/01/1998
Entity Type: CORPORATION
Citizenship: NONE
Entity Type: CORPORATION
Citizenship: ILLINOIS

Assignee: CHARMS MARKETING COMPANY
7401 SOUTH CICERO AVENUE
CHICAGO, ILLINOIS 60629

Correspondent: WOLF, GREENFIELD & SACKS, P.C.
DOUGLAS R. WOLF
FEDERAL RESERVE PLAZA
600 ATLANTIC AVENUE
BOSTON, MA 02210

Assignment: 7

Reel/Frame: 3470/0600

Recorded: 01/30/2007

Pages: 14

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: CHARMS MARKETING COMPANY

Exec Dt: 01/19/2007
Entity Type: CORPORATION
Citizenship: ILLINOIS
Entity Type: LIMITED LIABILITY
COMPANY
Citizenship: DELAWARE

Assignee: TOOTSIE ROLL BRANDS LLC
7401 SOUTH CICERO AVENUE
CHICAGO, ILLINOIS 60629

Correspondent: DOUGLAS R. WOLF
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

Assignment: 8

Reel/Frame: 3470/0771

Recorded: 01/30/2007

Pages: 16

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: TOOTSIE ROLL BRANDS LLC

Exec Dt: 01/19/2007

Assignee: CHARMS MARKETING COMPANY
7401 SOUTH CICERO AVENUE
CHICAGO, ILLINOIS 60629

Correspondent: DOUGLAS R. WOLF
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

Assignment: 9

Reel/Frame: 3470/0797

Recorded: 01/30/2007

Pages: 16

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: CHARMS MARKETING COMPANY

Assignee: CGC, INC.
7401 SOUTH CICERO AVENUE
CHICAGO, ILLINOIS 60629

Correspondent: DOUGLAS R. WOLF
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

Assignment: 10

Reel/Frame:

Entity Type: LIMITED LIABILITY
COMPANY

Citizenship: DELAWARE

Entity Type: CORPORATION

Citizenship: ILLINOIS

Exec Dt: 01/19/2007

Entity Type: CORPORATION

Citizenship: ILLINOIS

Entity Type: CORPORATION

Citizenship: DELAWARE